

STEPHEN S. FORD, OSB #92308
MARGER JOHNSON & MCCOLLOM, P.C.
1030 S.W. Morrison Street
Portland, Oregon 97205
Telephone: (503) 222-3613
Facsimile: (503) 274-4622
Email: steve@techlaw.com

FILED 05 MAY 03 12:23 USDC-ORP

Document 389

LAWRENCE K. ROCKWELL, CSB #72410
ERIC W. DONEY, CSB #76260
JULIE E. HOFER, CSB #152185
ARIANA SELDMAN HAWBECKER, CSB #190506
DONAHUE GALLAGHER WOODS LLP
Attorneys at Law
300 Lakeside Drive, Suite 1900
Oakland, California 94612-3570
Telephone: (510) 451-0544
Facsimile: (510) 832-1486

Attorneys for Plaintiffs
Symantec Corporation and Quarterdeck Corporation

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SYMANTEC CORPORATION et al,

Case No. 02-406-KI (Lead Case)

Plaintiffs,

CONSOLIDATED CASES

v.

**[STIPULATED] PERMANENT
INJUNCTION**

CD MICRO, INC. et al,

Defendants

[STIPULATED] PERMANENT INJUNCTION

Plaintiffs Symantec Corporation and Quarterdeck Corporation, by and through their attorneys, and defendant UNIK Associates, LLC, by and through its attorneys, stipulate and agree to the following:

The action between Symantec Corporation and Quarterdeck Corporation ("Plaintiffs") and UNIK Associates, LLC ("UNIK") came for hearing before this Court on Plaintiffs' motion for summary judgment on their Complaint. On February 24, 2005, this Court issued its Opinion and order granting summary judgment on liability in favor of Plaintiffs. Subsequently, the Court held a bench trial as to damages on April 19, 2005. In accordance with the findings of the Court, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. UNIK, and its agents, employees, or anyone acting in concert with it, are enjoined and restrained pursuant to 17 U.S.C. § 101, *et seq.*, including 17 U.S.C. § 502, and 15 U.S.C. §§ 1051 *et seq.*, and 15 U.S.C. § 1116, from the following:

(a) Disseminating, promoting, selling, offering for sale, distributing, or using any unauthorized copies of Plaintiffs' Norton SystemWorks® 2001 Professional Edition, Norton SystemWorks® 2002 Professional Edition, or Norton SystemWorks® 2003 Professional Edition computer software products, including their separately copyrighted component programs Norton AntiVirus®, Norton Utilities®, Norton CleanSweep®, and Ghost®, and any corresponding reference manuals and documentation related thereto.

(b) Procuring, using (including use on web sites, on the Internet, and on any products distributed by UNIK), reproducing, counterfeiting, or copying any of Plaintiffs' registered trademarks, or distributing any products bearing Plaintiffs' registered trademarks, including, but not limited to, the following: SYMANTEC, NORTON SYSTEMWORKS, NORTON ANTIVIRUS, NORTON UTILITIES, GHOST, and CLEANSWEEP;

(c) Using any of Plaintiffs' trademarks without Plaintiffs' prior written consent in a manner likely to create the belief that goods distributed by UNIK are authorized by, sponsored by, licensed by, or are in some way associated with Plaintiffs;

(d) Otherwise infringing any of Plaintiffs' copyrights or trademarks;

(e) Using photos of Plaintiffs' products or any of Plaintiffs' logos or designs in UNIK's advertising; and

(f) Using language and phrases contained in Plaintiffs' advertising or any of Plaintiffs' product literature in UNIK's advertising or product literature.

IT IS SO STIPULATED:

Dated: April 25, 2005

TONKON TORP LLP

By: 

Steven M. Wilker, OSB #91188

Attorneys for Defendant UNIK Associates LLC

Dated: April 26, 2005

DONAHUE GALLAGHER WOODS LLP

By: 

Lawrence K. Rockwell, CSB #72410

Attorneys for Plaintiffs Symantec Corporation
and Quarterdeck Corporation

IT IS SO ORDERED:

Dated: 5-3, 2005


UNITED STATES DISTRICT JUDGE